

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv188**

**WILDERNESS THERAPEUTIC
SERVICES OF GEORGIA, LLC; and
ASHEVILLE HOUSE, LLC,**

Plaintiffs,

Vs.

**PHOENIX OUTDOOR, LLC; and
ASPEN YOUTH, INC.,**

Defendants.

ORDER

THIS MATTER is before the court upon the court's Order(#18) directing counsel for the parties to appear and explain why neither party had filed a Motion to Compel Arbitration and Stay Action. As set forth in the Order it appeared from an examination of the pleadings that the plaintiffs were seeking such relief and the defendants were defending the allegations in the complaint by pointing out that certain plaintiffs had not filed the Motion to Compel Arbitration and Stay Action. Immediately after such Order was filed the plaintiffs filed the instant Motion to Compel Arbitration and Stay Action (#19).

On August 8, 2008, a hearing was held on the issue of arbitration and the

parties raised with the court the issue of mediation. Upon consultation with their respective clients, the parties have agreed to early mediation of this matter. After the close of the hearing, the defendants filed a Motion to Continue Date by Which defendants Must Answer or Otherwise Respond to Plaintiffs' Amended Complaint (#26). The court will withhold decision on the Motion to Compel Arbitration and Stay Action until September 26, 2008, and will likewise enlarge defendants' deadline for responding to the Amended Complaint until the same date, all in deference to early mediation of this matter.

ORDER

IT IS, THEREFORE, ORDERED that decision on plaintiffs' Motion to Compel Arbitration and Stay Action (#19) is **DEFERRED** until September 26, 2008, and defendants' Motion to Continue Date by Which Defendants Must Answer or Otherwise Respond to Plaintiffs' Amended Complaint (#26) is **ALLOWED**, and defendants are granted up to and inclusive of September 26, 2008 to Answer or otherwise respond to the Amended Complaint.

Signed: August 13, 2008



Dennis L. Howell
United States Magistrate Judge

